Form/IBR 6/83

RECEIVED

DEPARIMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
Fountain Square
Columbus, Ohio 43224

DIVISION OF RECLAMATION

IBR-360-3
RECEIVED

MAR 2 9 1995

DIVISION OF RECLAMATION ST. CLAIRSVILLE

APPLICATION FOR AN INCIDENTAL BOUNDARY RETVISION
This Form Cannot Be Utilized For The Removal Of Coal
(File in-Quadruplicate)

Permitte	ee's Name The Ohio Valley Coal Cor	npany Phone # (6)	14) 926-1351
Address	56854 Pleasant Ridge Road	Zip Code	43902
	Alledonia, Ohio		
Coal Min	ning Permit # D-0360		
Addition	nal acres to be permitted 3.0		
Has this	s acreage been affected? Yes	, No x	ORIGIN
Describe	e the reason this additional acrea	ge is required.	ORIGI
2 Air sh	naft 5		Title I.
Describe	the activities to be conducted of	n this area.	
Site	preparation, air shaft construction	n	
			S. N. A.
	information contained in the previous to this revised area? Yes $\underline{\hspace{1em}}$		plication
	describe any changes to the preval apply to this revised area.	iously approved permit a	pplication
CIGC WII		THE WARREST CONTRACTOR TO	

(continued on reverse side)

APPROVED DISAPPROVED DISAPPROV

NAME OF SURFACE AND MINERAL OWNERS	Twp.&_ Range	Section	Township	County
Name Virginia Fitch	T-6,R-4	22	Smith	Belmont
Address 62380 Groves Road				
City & State. Belmont, Ohio 43718				
Surface X Mineral Zip	-g			
Name Francis Earliwine	T-6,R-4	22	Smith	Belmont
Address 46499 Hart Road	8			255
City & State Belmont, Ohio 43718				
Surface x Mineral Zip				1 24
Name The Ohio Valley Coal Company	T-6,R-4	22	Smith	Belmont
Address 56854 Pleasant Ridge Road				
City & State Alledonia, Ohio 43902				
Surface Mineral _x Zip		200		property and

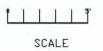
	and the second second	
(If additional space is need	eded, list on a separate she	et in this format.)
I, the undersigned authorized no coal has been or will be rem	representative of the perm oved from the acreage ident	
Daniel & Wartson	Permit Administrator	3-28-95
Signature	Title	Date
This application is hereby and effective this date. The now part of permit D-0360 (permit #) JUN 26 1995 Date	acreage identified in item : - Han Morross	min
Date	Hot. Chief, Division of Re	eclamation
\$ $\frac{2500.00}{\text{received on}}$ of performance of p	rmance bond and \$ <u>225.00</u>	acreage fee was

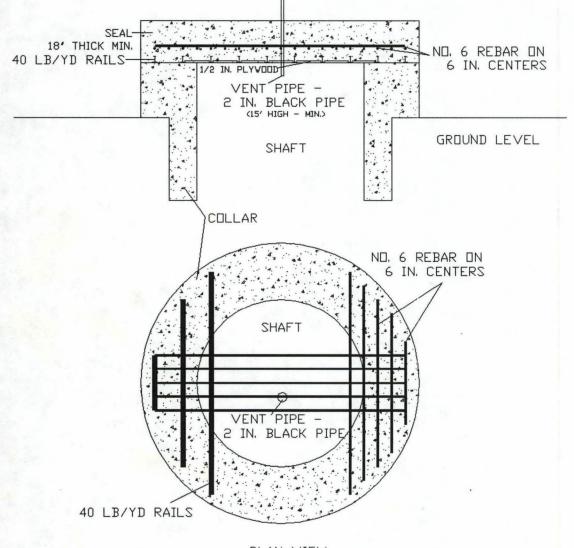
SUMP DESIGN

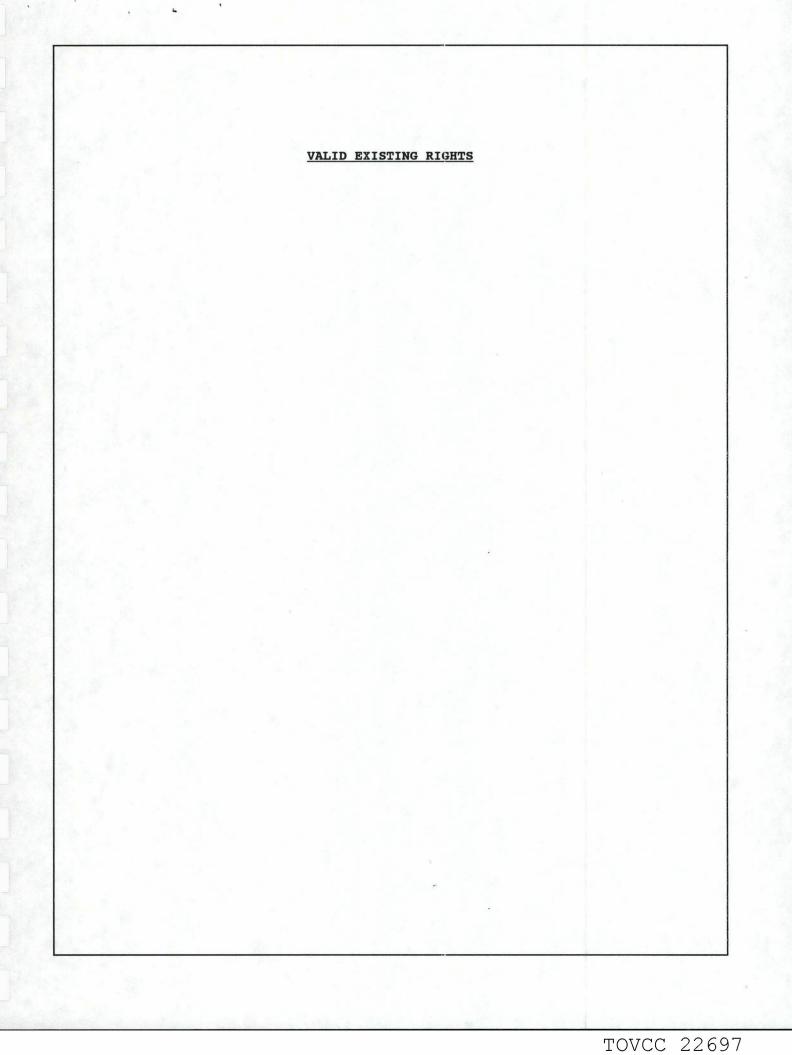
All surface runoff from the site will be directed through a sumps immediately adjacent to the construction pad. These sumps will be approximately 10 ft. long x 5 ft. wide x 3 feet deep. Sumps measuring 5 ft. long x 5 ft. wide x 3 ft. deep will be located along the access road. A hay bale dike will be placed in such a manner that the overflow from the sump must pass through the hay prior to entering the receiving stream. Sumps will be cleaned when they are less than full with sediment.

THE DHID VALLEY COAL COMPANY POWHATAN NO. 6 MINE

PROPOSED SHAFT SEAL 15 EAST BLEEDER SHAFT







Valid Existing Rights

Valid existing rights for the Powhatan No. 6 Mine exist as shown on the following page. This is excerpted from the original D-0360 permit and the D-0360-3 permit revisions. The mining rights in this area were obtained by the Empire Coal Company in 1901. The property was transferred to the Rail and River Company in 1907, then to The North American Coal Corporation in 1951, then to The NACCO Mining Company in 1970. The NACCO Mining Company changed its name to The Ohio Valley Coal Company in 1988.

Of

ADDENDUM TO PAGE 11, PART 1, C(1)(b)
PAGE EIGHT

Item 27: Deed Rights to Tract 71

Mining Rights: Party of Second part to have the free and uninterrupted right of way into and under said land at such points and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal (hereby waiving all surface damages or damages of any sort arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described premises, other coal belonging to said party of the Second part, its successors and assigns, or which may hereafter be acquired.

Item 28: Deed Rights to Tract 72

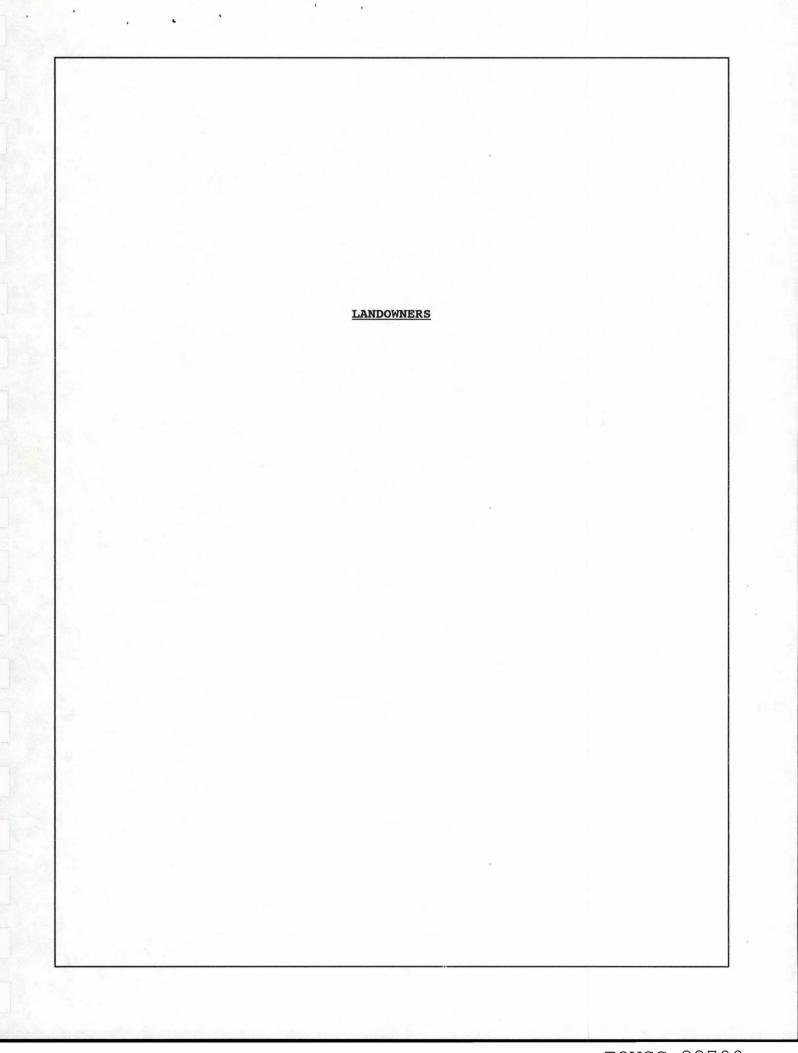
Mining Rights: Party of Second part to have the free and uninterrupted right of way into, and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal (hereby waiving all surface damages, or damages of any sort arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described premises other coal, belonging to said party of the second part, its successors and assigns, or which may hereafter be acquired.

Item 29: Deed Rights to Tract 73

Mining Rights: Party of Second part is to have the free and uninterrupted right of way into and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described, premises, other coal belonging to said party of the second part, its successors and assigns, or which may hereafter be acquired.

Item 30: Deed Rights to Tract 76

Mining Rights: Together with the free and uninterrupted right of way into, on and under said land at such points and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating by airshafts and otherwise and of carrying away the coal, together with the privilege of mining and removing through the above described premises other coal belonging to the Grantee, its successors or assigns, or which may hereafter be acquired; together with any other mining rights, options and privileges now owned by the Grantors in connection with the above described coal.



OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF RECLAMATION

ATTACHMENT 8 (SURFACE OWNERS' CONSENTS)

Applicant's Name The Ohio Valley Coal Company
This attachment may be completed and submitted with the permit application if the response to item C.(2) in Part 1 of the permit application is "yes."
I (We) the undersigned, hereby consent to the proposed surface mining of coal by the above named applicant on the lands described below on which I (We) are the legal surface owner(s) of record.
Owner's name Virginia Fitch, et al.
Owner's Signature Diginia & File Date 3/27/95
County Belmont Township Smith
Sections 22 Lots 73 Acres 40
Owner's name <u>Virginia Fitch</u> , et al.
Owner's Signature Betty A Statles Date 3/27/95
County Belmont Township Smith
Sections 22 Lots 73 Acres 40
Owner's name Francis Earliwine
Owner's Signature Frances Edulumes Date 3-28-95
County Belmont Township Smith
Sections 22 Lots 73 Acres 86.8
Owner's name Virginia Fitch, et al.
Owner's Signature Gya Fitn Date 4-25-95
County Belmont Township Smith
Sections 22 Lots 73 Acres 40
Proposed surface mining of coal shall consist of site preparation and sinking of an air shaft. A fan will be located at this air shaft also.

reclamation.	
	Transca Earluna
	3-2-8-95

woodland/pastureland. I agree that the post-mining land use will be woodland/pastureland following reclamation. In addition, I agree that the road will be used for access following

I, the

undersigned, state that the pre-mining landuse for this property was

Date

I, the undersigned, state that the pre-mining land use for this property was woodland/pastureland. I agree that the post-mining land use will be woodland/pastureland following reclamation. In addition, I agree that the existing farm road will be improved and will remain for access following reclamation.

March 27, 1995

Date

Betty Statla

April 24, 1995

Suger Film

4-25-1995

OHIO DEPARIMENT OF NATURAL RESOURCES DIVISION OF RECLAMATION

(CONSENT TO MINE WITHIN 300 FEET OF COCUPIED DWELLING)

Applicant's Name
Pursuant to Ohio Administrative Code section 1501:13-3-03(E) and subject to valid existing rights, in order for a company to conduct coal mining operations within 300 feet of an occupied dwelling, permission must be obtained from the owner(s) thereof. The company designated above therefore requests that you sign this form, evidencing your consent to the company to conduct coal mining operations within 300 feet (measured horizontally) of your dwelling.
I/We, the undersigned, having the legal right to deny mining, hereby consent to coal mining operations, except those described in item 1 below, being conducted within 300 feet, but no closer than 50 feet, of my/our dwelling located as described in item 2 below.
IT IS UNDERSTOOD THAT THE SIGNING OF THIS FORM DOES NOT RELEASE THE MINING COMPANY FROM LIABILITY FOR ANY DAMAGES TO MY/OUR STRUCTURE(S) WHICH MAY OCCUR AS A RESULT OF COAL MINING OPERATIONS. IT IS ALSO UNDERSTOOD THAT "COAL MINING OPERATIONS" MAY INCLUDE ANY OR ALL OF THE FOLLOWING ACTIVITIES: EXCAVATION, STOCKPILING OF SOIL OR SPOIL, POND CONSTRUCTION, BLASTING, RECLAMATION, AND ANY OTHER RELATED ACTIVITIES.
IT IS UNDERSTOOD THAT BY SIGNING THIS CONSENT, I/WE KNOWINGLY WAIVED THE RIGHT TO DENY MINING WITHIN 300 FEET OF THE DWELLING(S) DESCRIBED BELOW.
 Describe any activity, e.g. pond construction, which you do not consent to being conducted within 300 feet of your occupied dwelling.
Permission is given to construct an air shaft with the site preparation only
2. a) Number of dwellings: b) Dwelling location(s): CountyRelmont Townshipsmith Section Lot Along, or access from, which public road? Groves Road
3. Name(s) and Signature(s) of Owner(s):
Name: EUCFN FITCH Signature: Sugar Fitch. (Print) Date: 4/4/95
Name: VIRGINIA FITCH Signature: Virginia 6. Filch (Print)
Name: BeTTy STALTER Signature: Betty Statler (Print) Date: 6/6/95 Signature: Betty Statler (Print)

DAVID BARTSCH 926-1351 695-9199 MINGSON FILLS Bell'y STALT-R PRIME FARMLAND DETERMINATION

See responed

See responed

15-95.

Letter 95-8-95.

Letter 95-8-95.

Letter 95-8-95.

VARIANCE REQUESTS AND WAIVERS TOVCC 22707



March 28, 1995

Ms. Lisa Morris, Acting Chief Division of Reclamation Ohio Department of Natural Resources 1855 Fountain Square Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a variance from the requirements of OAC 1501:13-9-04 E(1) to conduct surface mining operations within 100 ft. of a stream. The stream is Williams Creek in Section 22, Smith Township, Belmont County, Ohio. The surface mining operation will consist of the placement of two ventilation shafts for meeting the ventilation requirements of the Powhatan No. 6 Mine.

Measures to control site drainage will include the use of silt fencing and hay bale dikes and small construction sumps. The combined area of the sumps is greater than 0.04 acreft./acre. The area will be covered with a durable, non-eroding material. Reclamation will consist of covering the area with topsoil and seeding.

An Incidental Boundary Revision is enclosed with this request. If you have any questions, please contact me.

Sincerely,

THE OHIO VALLEY COAL COMPANY

Joseph B. Myers

Senior Mining Engineer

cc: D. L. Bartsch

File

APPROVED □
DISAPPROVED □
DATE:_____JUN-2

SIGNED

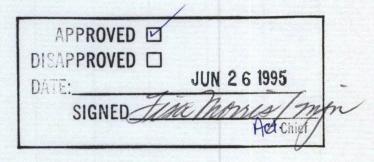
56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351 • FAX (614) 926-1615



March 28, 1995

Ms. Lisa Morris, Acting Chief Division of Reclamation Ohio Department of Natural Resources 1855 Fountain Square Columbus, Ohio 43224

Dear Ms. Morris:



The Ohio Valley Coal Company respectfully requests a small area drainage exemption for the enclosed Incidental Boundary Revision pursuant to OAC 1501:13-9-04 B(3)(a). An area of 3.0 acres will be developed for two air shafts. The shafts are to be located in Belmont County, Smith Township, Section 22.

The area will be covered with a durable, non-erodible surface and the drainage will be controlled with the use of construction sumps (10ft. x 5 ft. x 3 ft. or 5 ft. x 5 ft. x 3 ft.), hay bale dikes, and silt fencing during construction. The silt fence will be placed to prevent sediment from entering the st ream. The silt fence will be removed after construction of the shafts is complete and the area has been seeded.

Any discharge from this area, including discharge from the sump will meet effluent limitations.

If you have any questions, please contact me.

Sincerely,

THE OHIO VALLEY COAL COMPANY

Joseph B. Myers

Senior Mining Engineer

cc: D. L. Bartsch



Ms. Lisa Morris, Acting Chief Division of Reclamation Ohio Department of Natural Resources 1855 Fountain Square Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a waiver to disturb an area within 100 feet of a road, based on the company's legal rights to be within this specified distance. Disturbance to the area will be minimal, and only a portion of this site will be within these limitations. An Incidental Boundary Revision (IBR) is enclosed with this request.

The existing rights to be within this specified distance are covered in the valid existing rights portion of the IBR application.

If you have any questions, please contact me.

Sincerely,

THE OHIO VALLEY COAL COMPANY

Joseph B. Myers

Senior Mining Engineer

cc: D. L. Bartsch

File



April 13, 1995

Ohio Valley Coal Company 56854 Pleasant Ridge Road Alledonia, OH 43902

Gentlemen:

2.

Your incidental boundary revision (I.B.R.) on Permit D-0360 for 3.0 acres was received on March 31, 1995. The IBR has been judged incomplete.

Upon receipt of the following information processing will continue.

IBR application, item #6, should indicate that the IBR area is for the construction of two air shafts. With your permission, I will place this on the form for you.

Prime Farmland Determination: The affidavits concerning the pre-mining land use of the properties is inadequate. The affidavits must state the date of the coal lease and thus must address the productivity of the land ten years prior to that date. Revise.

Attachment 8: Why has Betty Statler signed under the name of Virginia Fitch which is listed twice? Explain.

According to the map, a portion of the IBR (access road entrance) is located on the Groves property. If so, provide an Attachment 8; include them as surface owners under item #9 of the IBR application; provide an affidavit for pre-mining land use for the prime farmland soils present; and post-mining landowner comments.

5. Valid Existing Rights (VER):

a) For the access road: The explanation provided does not provide adequate VER information. The addendum does not describe who the lease is from or to. Also, VER does not exist since The Ohio Valley Coal Company did not enter into a lease agreement with North American Royalty Company until 1989. Provide more detailed information and better documentation to determine if VER exists.

AH.10 meeded
b) For

b) For the occupied dwelling: A written waiver must be obtained if a deed or lease does not contain language that authorizes mining within 300 feet of an occupied dwelling.

6. Map: The stream buffer zone is not shown correctly on the northern portion of the IBR. Revise.

Any additional or revised documents must be submitted in quadruplicate.

If you have any questions, please contact me at (614) 265-6662.

Sincerely,

Joyce Schramm

Permits & Processing Section

Division of Reclamation

cc: St. Clairsville District Office

INCIDENTAL BOUNDARY REVISION CHECKLIST

Operat	or	Chio Valley Cal Co. Permit No. D-0360
Type of Mine		Underground (affect.) Date of Review 4-13-95 Inspector Jack Graham
Consultant		Inspector Jack Graham
		Affected Unaffected Complete Incomplete
- N C O R R E C T	CORRECT	6/26/95
		Less Than 5% Acreage Proposed 3.0 acres Location of Proposed Area Dashed Black Boundary, Shaded Yellow Ponds Noted, If Applicable Nature of Watershed if Different From Permit Public Road W/in 100 Feet of Permit Everything W/in 500 Feet of Permit Everything W/in 500 Feet of Permit All Perennial & Intermittent Streams County, Twp., Section, Lot, Boundaries & Names All Buildings W/in 300 Feet of IBR Area Name of Landowner/Mineral Owner Four Copies of Map Statement Certifying Correctness of Map Notarization TITLE BLOCK Map Title Operator's Name and Address Township & County Name Section(s) &/or Lot(s) Number(s) Map Scale (Same as Approved Map) Ok Contour Interval Date Prepared Permit Number

I N C O R R E C T	C O A B E C T	
		FORMS
	F	our IBR Application Forms
-	D	escription: aires shafts (z) ne Original Signature
1		egative Prime Farmland Statement from SCS (Att. 16)
	Pr	rime Farmland Restoration Plan (Att. 15)
	C	ompleteness of Forms ond Data Sheets & Cross Sections for New Ponds Sumps
1		tream Buffer Zone Variance
4		tream Diversion or Restoration Plan
		mall Area Drainage Exemption
-		00 Feet Consent (Att. 10) VER
V	N	ew Adjacent Landowners (Att. 4)
2		ublic Road Permit if W/in 100 Feet of Road (Att. 9) VER
		aul Road Designs/Cross Sections (if new) andowner (Same as Noted on Map)
	Ri	ght of Entry (Affidavit) See AH 8'5
2	C	onsent to Enter (Att. 8) if Surface Owner Only

Obscription should state 2 air shafts?

air Shafts located near a creek?

Theed dates of Coal lease and then 10 yrs. prior to that date.

Superplesion— 60% full? instead of less than full?

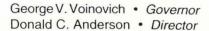
SBZVR— address reparian vegetation thouseur, hoad to Remain plemann.

Att. 8— Why has Betty Statler signed under Virginia fitch?

Who owns piece of preferty at beginning of access road

Squed Droves be included?— Att85— etc.

Att. 4 list Droves if not owner of TBR area





April 18, 1995

Ohio Valley Coal Company 56854 Pleasant Ridge Road Alledonia, OH 43902

Gentlemen:

This is to notify you that bond and fees are due for the incidental boundary revision of permit #D-0360.

If the I.B.R. is for an issued permit and is complete, upon receipt of the acreage bond and fee, in the amounts listed below, your incidental boundary revision will be approved by the Chief.

Acreage fee $\frac{225.00}{57,500.00}$ $\frac{3}{7}$ $\frac{7}{7}$ $\frac{500.00}{5}$ $\frac{7}{7}$

The check for acreage fees should be made payable to: Treasurer, State of Ohio. Please refer to Policy/Procedure Directive Bonding 93-1 which provides information and guidelines for properly submitting bond and fees. If the IBR has been affected, the fee and bond shall be submitted together, within thirty (30) days receipt of this letter.

Failure to submit bond and fees within the allotted time will result in a notice of violation.

If you have any questions, please contact me at (614) 265-6640.

Sincerely,

Terri R. Hufford Bonding Supervisor

Division of Reclamation

c: Joyce Schramm

Return-Path: schramm To: terri.hufford
Cc: joyce.schramm
Subject: IBR Bond & Fee Request
Date: Thu, 13 Apr 95 15:59:11 -0400
From: "Joyce Schramm (614) 265-6662" <schramm>
X-Mts: smtp

Terri, please request bond and fee for an IBR for 3.0 acres for Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, OH 43902.

Permit No. D-0360 Bond needed.....\$7,500.00 Acreage Fee needed...\$225.00

Does not include U.S. Forest Service Lands.



May 15, 1995

RECEIVED

JUN 0 8 1995

DIVISION OF RECLAMATION

Ms. Joyce Schramm
Permits and Processing Section
Division of Reclamation
Ohio Department of Natural Resources
1855 Fountain Square
Columbus, Ohio 43224

Dear Joyce:

We are in receipt of your revision letter of May 12, 1995, and have the following revisions in reply.

- 1. Prime Farm Land Determination: In accordance with the provisions of OAC 1501:13-4-12(F)(1)(a d), we believe that the Ohio Valley Coal Company's IBR application area fits into the grandfather provisions of this rule. Enclosed are the valid existing rights from the original D-0360 permit that show:
 - a) the lands are part of a single continuous coal mining operation begun under a permit issued before August 3, 1977, and
 - b) The Ohio Valley Coal Company, and its predecessor, The NACCO Mining Company, had a legal right to mine the lands prior to August 3, 1977 through ownership of the coal purchased from 1901 through 1907, and
 - c) the lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit (the Powhatan No. 6 Mine) begun under a permit issued prior to August 3, 1977, and
 - d) the Powhatan No. 6 Mine has been a single continuous mining operation (underground) since before August 3, 1977, has roads, etc. overlying it on the surface, and has non-contiguous surface areas permitted on the surface.

Therefore, we believe that the application should be considered in light of this grandfather provision.

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351 • FAX (614) 926-1615

Page 2 Ms. Joyce Schramm May 15, 1995

- 2. Enclosed is a completed Attachment 10 for mining within 300 ft. of an occupied dwelling.
- 3. The stream buffer zone has been revised on the enclosed map.

If you have any questions, please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P. E.

Environmental Coordinator and

Permit Administrator

cc: file



May 12, 1995

Ohio Valley Coal Company 56854 Pleasant Ridge Road Alledonia, OH 43902

Gentlemen:

Revisions to your incidental boundary revision (I.B.R.) on Permit D-0360 for 3.0 acres were received on April 27, 1995. The IBR is still incomplete.

Upon receipt of the following information processing will continue.

Prime Farmland Determination: As previously stated in the first revision request letter dated April 13, 1995, the affidavits concerning the pre-mining land use of the properties is inadequate. The affidavits must state the date of the coal lease and thus must address the productivity of the land ten years prior to that date. (This is for ten years prior to the FIRST coal lease.) Revise the affidavits or provide information that the "grandfather" provisions of Rule 1501:13-4-12(F)(1)(a-d) can be applied.

2. Valid Existing Rights (VER):

For the access road: The explanation provided will be accepted as valid existing rights.

b) For the occupied dwelling: I apologize for not being precise in the first revision letter, but the written waiver must be in the form of an Attachment 10 (Consent to Mine Within 300 Feet of an Occupied Dwelling) if a deed or lease does not contain language that authorizes mining within 300 feet of an occupied dwelling.

Map: As previously stated in the first revision request letter, the stream buffer zone is not shown correctly on the northern portion of the IBR. The buffer zone does not extend completely to the permit limits along the stream. Revise.

Any additional or revised documents must be submitted in quadruplicate.

If you have any questions, please contact me at (614) 265-6662.

Sincerely,

ayce L. Schramm Joyce Schramm

Permits & Processing Section Division of Reclamation

St. Clairsville District Office cc:



Ms. Joyce Schramm
Division of Reclamation
Ohio Department of Natural Resources
1855 Fountain Square
Columbus, Ohio 43224

Dear Joyce:

We are in receipt of your revision letter dated April 13, 1995 for our 3.0 acre IBR application. We have the following comments:

- 1. The application has been changed to indicate that there are two air shafts to be drilled on this property.
- 2. Please be advised that this area of our reserve is owned in fee by The Ohio Valley Coal Company, and does not cover the coal owned by North American Coal. Therefore, there are no leases involved. The statement signed by Mrs. Fitch is for the ten year period immediately prior to the submittal of this application.
- 3. Ms. Statler is the co-owner of this property with Mrs. Fitch and Mr. Eugene Fitch. Mr. Fitch has also signed the necessary documents.
- 4. The map has been corrected to show the property line along the center of the road, according to the deeds.
- 5. As indicated above, this the coal beneath this property was acquired in 1901. The VER statement that was submitted has been corrected to remove references to the North American Lease.
- 6. A written waiver has been obtained and is enclosed that authorizes mining within 300 ft. of an occupied dwelling. The right-of-entry document, not enclosed, also shows a depiction of the proposed shaft locations.

If you have any questions, please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P. E.

Environmental Coordinator and Permit Administrator

cc: J. Myers File